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C O N F I D E N T I A L SECTION 01 OF 02 AMMAN 007268

SIPDIS

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SUBJECT: JORDANIAN ANTI-NORMALIZERS SCORE LEGAL VICTORY

REF: AMMAN 06119

Classified By: Ambassador Edward W. Gnehm for reasons 1.5 (b and d)

SUMMARY

1. (C) Jordanian anti-normalizers scored a victory on October 26 in their campaign against ties with Israel. Capping a two-year legal battle, the Amman Court of First Instance acquitted Islamist member of parliament (MP) Ali Abu al-Sukkar, former head of the Professional Associations Anti-Normalization Committee (PAAC), of libel charges brought by Jordanian businessman and peace advocate Tariq al-Hammedi. Hammedi sued Abu al-Sukkar for JD2 million in compensation, charging that the inclusion of his name on lists published by the PAAC damaged his business and reputation. Abu al-Sukkar is appealing a 500JD fine levied by the court for subsequent comments in a professional journal associated with Abu al-Sukkar describing Hammedi as a "scared mouse." Anti-normalizers in Jordan, present at all levels of Jordanian society, could be emboldened by this result, which comes at a time of elevated anti-Israeli sentiment in Jordan. End Summary.

HAMMEDI FIGHTING AN UPHILL BATTLE

2. (U) The two-month parliamentary recess announced in early October paved the way for the resumption on October 13 of Tariq al-Hammedi's two-year-old libel case against Islamic Action Front (IAF) MP Ali Abu al-Sukkar (Ref A). The case had stalled because of Abu al-Sukkar's constitutional immunity from legal prosecution enjoyed by all MPs. However, after discussion between the Court and the Parliament, it was determined that when Parliament is out of session, MPs do not enjoy immunity.

3. (C) Hammedi's initial gratification at this development was overshadowed by his inability to secure a Jordanian or foreign lawyer to represent him. Hammedi told poloff as the trial resumed that he was not confident in his abilities to represent himself in court and feared he would lose the case as a result. Based on subsequent conversations with Hammedi and one of Hammedi's associates, poloff assessed that Hammedi probably received unofficial legal advice from friends, but that the fear of blacklisting from the Jordanian Bar Association -- coupled by his financial problems -- probably hindered his ability to secure a local lawyer. According to Hammedi, the head of Jordan's Bar Association represented Abu al-Sukkar. Although sympathetic, prospective Jordanian lawyers he approached were worried they would meet the same fate as Hammedi's previous attorney -- disbarment.

VERDICT ENDS TWO-YEAR SAGA

4. (U) Once the case resumed on October 13, it was over quickly. Appearing before the Amman Court of First Instance, Abu al-Sukkar pleaded "not guilty," arguing in a written statement: "Our actions as committee were based only on protecting Jordan from being infiltrated by Jews and we were responding to associations' request to punish any member who was a normalizer." Hammedi presented an evaluation of his financial losses for the court's consideration. Meanwhile, Hammedi filed a second lawsuit against the MP, based on an interview Abu al-Sukkar gave to the weekly newspaper Shihan in which he was quoted as saying that "Hammedi was being funded by a Jewish center." Hammedi also complained about a publication called "No to Normalization" published by the Jordan Engineers Association (JEA) which described Hammedi as a "scared mouse."

5. (U) After deliberating for a week, presiding Judge Adel Hijazeen on October 28 declared Abu al-Sukkar innocent of the charges of seditious libel but ordered him to pay JD500 in compensation for the comments in the JEA publication. The Judge said Abu al-Sukkar violated Articles 5 and 7 of the Press and Publications Law which gives individuals the freedom to express themselves, "as long as it does not touch the humanity of others." Abu al-Sukkar, who is a JEA member, says he plans to appeal: "I was not the one who wrote what was printed in the JEA publication." Abu al-Sukkar has 15

days to appeal the verdict.

16. (U) Despite the fine, Abu al-Sukkar gloated after the verdict was announced, telling one paper: "Today's verdict was great. It was a victory for all Jordanians who have the right to know who is a normalizer and who is not."

COMMENT

17. (C) It is unclear whether the outcome of Hammedi's case would have been different had he secured an attorney for the legal proceedings. Local media coverage did not generate sufficient interest and pressure on the government to intervene on his behalf, as he had hoped. This outcome probably will embolden the anti-normalization movement in Jordan.

18. (C) It is worth noting that the Israeli ambassador, as well as Israeli businessmen, have pointed to the intimidation from the professional organizations, especially the Jordan Bar Association, as a significant factor in undermining any joint activities in the private and commercial sectors. Israeli companies cannot obtain legal counsel. Jordanian commercial partners risk significant hostilities and, hence, detrimental consequences on their broader business activities. This decision will make our efforts to develop joint Jordanian-Israeli activities even more difficult.
GNEHM